

FILED

JUN 02 2023

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY af
DEPUTY CLERK

Thomas Joseph Melger

Name and Prisoner/Booking Number

CMC WASTE 7

Place of Confinement

P.O. Box 8103

BS 7071

Mailing Address

SAN LUIS OBISPO CA 93409

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Thomas Joseph Melger

(Full Name of Plaintiff)

Plaintiff,

v.

CASE NO. 2:23-cv-1046 CKD (PC)
(To be supplied by the Clerk)

(1) NATIONAL Rifle Association

(Full Name of Defendant)

(2) Does 1-10, A Well-Regulated

(3) State Militia, Does 1-10

(4) U.S. Pres Joe Biden et al

Defendant(s).

☐ Check if there are additional Defendants and attach page 1-A listing them.

CIVIL RIGHTS COMPLAINT
BY A PRISONER

☒ Original Complaint

☐ First Amended Complaint

☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☐ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☒ Other: 28 USC 636(c) Consent Diversity Jurisdiction

2. Institution/city where violation occurred: _____

B. DEFENDANTS

A Well-Regulated STATE MATHIA

1. Name of first Defendant: ET AL DOES 1-10. The first Defendant is employed as:
Entity, People at 1600 PENNSYLVANIA AVE
(Position and Title) (Institution)
2. Name of second Defendant: U.S. Pres Joe Biden. The second Defendant is employed as:
U.S. President at 1600 PENNSYLVANIA AVE
(Position and Title) (Institution)
3. Name of third Defendant: NATIONAL Rifle Association. The third Defendant is employed as:
DIFFER STATE at USA
(Position and Title) (Institution)
4. Name of fourth Defendant: _____. The fourth Defendant is employed as:
_____ at _____
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? _____. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - b. Second prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - c. Third prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

CLAIM I

1. State the constitutional or other federal civil right that was violated: U.S. Constitution 2nd Amend A Well-Regulated STATE MILITIA 42 USC 1982 Property Right

2. Claim I. Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | | |
|--------------------------------------------------------|-------------------------------------------|-----------------------------------------------|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

ON MAY 13, 2022, A INDIVIDUAL PERSON WHO DID PURCHASE, SELL, LEASE INHERIT OR CONVEY AN ARM (GUNS AND ARMED AN AK 47 ASSAULT RIFLE AT ME, AND PERSONALLY DISCHARGED THE ARM (GUN) AT MY HEAD, WHERE THE BULLET NEARLY STRUCK MY HEAD, MISSED ABOUT 6" OR SO, WHERE I TOOK COVER BEHIND A WALL AND FLEED IN THE COUNTY OF SACRAMENTO STATE OF CALIFORNIA.

ALSO, A FEW YEARS AGO THE VON MARTIN A TEENAGER "HOOD UP" WAS KILLED BY AN INDIVIDUAL PERSON NAMED GEORGE ZIMMERMAN.

AND A INDIVIDUAL PERSON KILLED 25 10yr olds AT A SCHOOL LAST YEAR.

PETITIONER CONTENDS THE U.S. PRESIDENT JOE BIDEN UNDERSTANDS THIS CLAIM PLAINTIFF CONTENDS INDIVIDUAL PERSONS ARE NOT A WELL-REGULATED MILITIA BEING NECESSARY TO THE SECURITY OF A FREE STATE PEOPLE

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

I WAS SHOT AT LAST MAY 13, 2022. IN SAC CAL. BY AN INDIVIDUAL PERSON

5. Administrative Remedies:

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
- Did you submit a request for administrative relief on Claim I? ☐ Yes ☐ No
- Did you appeal your request for relief on Claim I to the highest level? ☐ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. NA

CLAIM II

1. State the constitutional or other federal civil right that was violated: US CONST 2nd Amend
42 USCS 1982 Property Right CONTINUED.

2. Claim II. Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | | |
|--------------------------------------------------------|-------------------------------------------|-----------------------------------------------|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: | |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

PLAINTIFF CONTENDS THE NATIONAL RIFLE ASSOCIATION (NRA)
IS NOT A WELL REGULATED MILITIA, BEING NECESSARY TO
THE SECURITY OF A FREE STATE PEOPLE DOES 1-10.

PLAINTIFF CONTENDS U.S. President Joe Biden By EXECUTIVE ORDER
MUST DISARM THE NATIONAL RIFLE ASSOCIATION AND INDIVIDUAL
PERSONS WHO PURCHASE, SELL, INHERIT, LEASE, HOLD OR CONVEY ARMS
BECAUSE THEY ARE NOT READY FOR A CALL TO MILITARY SERVICE
IN A EMERGENCY. NOT A WELL-REGULATED STATE MILITIA.

PETITIONER hereby CONTENDS A well-regulated means 1 A JUDICIAL
BRANCH 2 AN EXECUTIVE BRANCH 3 A LEGISLATIVE BRANCH Which are
Controlled OR Directed according to Rule on LAWS.

PETITIONER CONTENDS A STATE MILITIA means AN "ARMY" Composed
OF CITIZENS WHO ARE NOT PROFESSIONAL SOLDIERS WHO MAY BE CALLED
FOR MILITARY SERVICE IN A TIME OF EMERGENCY.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

Cont

5. Administrative Remedies.

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
- Did you submit a request for administrative relief on Claim II? ☐ Yes ☐ No
- Did you appeal your request for relief on Claim II to the highest level? ☐ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. N/A

CLAIM III

1. State the constitutional or other federal civil right that was violated: U.S. Const 2nd Amend
42 USCS 1982

2. Claim III. Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | | |
|--------------------------------------------------------|-------------------------------------------|-----------------------------------------------|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

Petitioner contends The National Rifle Association and an individual person are not defined as a well-regulated state militia, being necessary to the security of a free state. Therefore the National Rifle Association (NRA) and individual persons must be prohibited from the sell, purchase, hold, inherit, lease or convey of arms (guns) because they injure, harm, kill physical violence, shot at innocent people because the National Rifle Association (NRA) and individual persons are not a well-regulated state militia being necessary to the security of a free state. people U.S. Const 2nd Amend

Petitioner contends The National Rifle Association (NRA) did sell, purchase, inherit, lease or convey and hold arms to individual persons who shot, injure, harm, kill another person who are not a well-regulated militia, being necessary to the security of a free state people.

Petitioner contends The U.S. President Joe Biden understands the English language, understands how to read and write. Therefore when a person such as my-self a 532 GED score understand how to infer the U.S. Const 2nd Amend, so does Joe Biden U.S. President. And he also understands that the (NRA) and an individual person is not a well-regulated state militia being necessary to the security of a free state people.

E. REQUEST FOR RELIEF

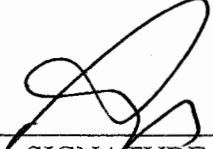
"Temporary Injunction"
order

State the relief you are seeking:

FOR THE U.S. President Joe Biden By Executive Order TO
DISARM THE NATIONAL Rifle Association AND Individual
Persons because they are NOT A Well-Regulated State
Militia, BEING NECESSARY TO THE SECURITY OF A FREE STATE
BECAUSE THE NATIONAL Rifle Association AND individual persons
Shot, kill, hurt, injure, AND HARM innocent people.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on MAY 22, 2023
DATE


SIGNATURE OF PLAINTIFF

Thomas Joseph Melgen
(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.